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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,314	06/26/2001	David M. Tucker	VCS001	1949

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EXAMINER

GARBER, CHARLES D

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/892,314

Applicant(s)

TUCKER ET AL.

Examiner

Charles D. Garber

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2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 7, 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6 and 13, drawn to a method of dewatering a pipeline with a pig, classified in class 15, subclass 104.061.
- II. Claims 7-12, drawn to a method of hydrostatic testing a pipeline, classified in class 73, subclass 49.5.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the hydrostatic testing of group II interferes with the function of dewatering occurring in group I and are therefore not capable of use together. In the instant case the different inventions also have different functions. The invention of group I is directed to a method of removing water from a pipeline using a compressed gas behind a pig to assist in pushing water out the other side. The invention of group II is directed to hydrostatically testing a pipeline by pushing water behind a pig. Therefore the inventions have different functions.

During a telephone conversation with Kurt Myers on 5/30/2002 a provisional election was made with traverse to prosecute the invention of group II, claims 7-12. Affirmation of this election must be made by applicant in replying to this Office action.

Claim s 1-6 and 13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss et al. (US Patent 5,883,303) in view of Graves (US Patent 5,927,901)

Regarding claims 7 and 12, Bliss et al., henceforth referred to as "Bliss", discloses a conventional method of testing a subsea pipeline between a pig launcher and receiver including operating a pump to force liquid such as water behind the pig and move the pig from the pig launcher to the submerged pig receiver; and pumping water into said pipeline to a pressure for testing and monitoring the pressure to assure that there are no leaks in the pipeline (column 1 lines 36-53).

Bliss however does not teach the launcher is submerged and that a SV (or submerged or submersible vehicle) is used to operate the pump.

Graves teaches the use of an apparatus to drive a pig through a pipeline which has already been laid (column 3 lines 22-31) and a pump powered by a remotely operated vehicle 29 (column 4 lines 1-9), as an alternative to surface water source, to provide water flow to control the movement of the pig through the pipeline (column 1 lines 50-51, column 2 lines 35-41, 47-52).

It would have been obvious to one having ordinary skill in the art to use a submerged launcher in order to test a section of pipe that is already laid, <sup>and</sup> to employ a SV (or submerged or submersible vehicle) to operate a pump as an advantageous alternative to a surface source of water pressure.

Bliss also does not expressly teach the water may be seawater, however, Bliss refers to the water in the sea simply as water (not seawater) so the water of Bliss may be considered to be seawater.

As for claim 9, though the references do not expressly teach the fill and test package is carried by the SV Examiner takes official notice that it is widely known for ROV's, AUV's and SV's to carry toolskids for general purposes and one of ordinary skill in the art would have known to that alternative methods of lowering the skid of Graves would include a line, SV, ROV or AUV.

***Allowable Subject Matter***

Claims 10 and 11 are allowed.

The following is an examiner's statement of reasons for allowance: Prior art does not disclose or suggest as in claim 10, a method for commissioning a subsea pipeline while both ends are on the subseafloor between two subsea manifolds, one of said manifolds having a subsea piglauncher/receiver with a pig and the other having a subsea pig receiver comprising: using a SV, operating pumps on a fill and test package to force seawater behind said pig and move the pig from the pig launcher/receiver to the pig receiver; pumping more water into said pipeline to a test pressure and maintaining said pressure to assure that there are no leaks in said pipeline; using a SV, connecting a line from a compressed gas pack to said pig launcher/receiver for flow of compressed gas to force said pig to said pig launcher/receiver; and pumping using a dewatering pump to suck water from said pipeline and moving said pig and compressed gas through the pipeline to said pig launcher/receiver.

In particular, prior art methods of dewatering have involved at least one end of the pipeline at surface level or a surface level source of compressed gas.

Claim 11 depending from allowed claim 10 is allowed for the same reason.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art does not disclose or suggest as in claim 8, a method of cleaning and/or hydrostatic testing a pipeline between two subsea manifolds, one of said manifolds having a subsea pig launcher/receiver with a pig and the other having a subsea pig

receiver comprising: using a SV to operate pumps on a fill and test package to force seawater behind said pig and move the pig from the pig launcher/receiver to the pig receiver; and pumping more water into said pipeline to a test pressure and maintaining said pressure to assure that there are no leaks in said pipeline; wherein the test pressure is read on a gauge mounted on a panel on said pig launcher/receiver.

In particular, prior art uses of gauges mounted on pig launcher/receiver skids have been for determining when it is safe to open a door into the device or for determined when a pig has passed into or out of the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the accompanying form PTO-892 are listed to show examples of state of the art pipeline testing apparatus and methods, which share one or more features in common with the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Garber whose telephone number is (703) 308-6062. The examiner can normally be reached on 6:30 am - 4:pm M-F.

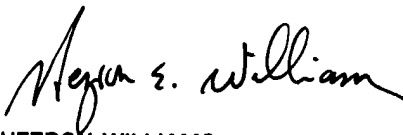
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 308-7725 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

cdg  
May 31, 2002

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800